

ing in violation of the Food and Drugs Act, as amended. The articles were labeled in part: "Gold Seal * * * Brand Jelly 67% Corn Syrup 18% Fruit Juices From Fresh Apples" (or "Apples & Raspberries" or "Apples & Grapes" or "Apples & Plums") "With 15% Granulated Sugar Apple" (or "Raspberry" or "Grape" or "Plum") "Best-Clymer Mfg. Co. St. Louis, Mo."

Adulteration of the articles was alleged in the libel for the reason that products composed essentially of glucose sugar, pectin, and phosphoric acid, containing little, if any, fruit juices, had been mixed and packed therewith so as to reduce and lower and injuriously affect their quality and strength and had been substituted wholly or in part for the said articles. Adulteration of the plum, grape, and raspberry jellies was alleged for the further reason that the articles had been colored in a manner whereby inferiority was concealed.

Misbranding was alleged in substance for the reason that the statement, "18% Fruit Juices," appearing on the labels of the articles, and the statements, "Fresh Apples & Raspberries * * * Raspberry," "Fresh Apples & Grapes * * * Grape," "Fresh Apples & Plums * * * Plum," as the case might be, appearing on the labels of certain of the said articles, were false and misleading and deceived and misled the purchaser thereof. Misbranding was alleged for the further reason that the articles were imitations of and offered for sale under the distinctive names of other articles, and for the further reason that they were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 18, 1922, the Best-Clymer Mfg. Co., St. Louis, Mo., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be disposed of according to law.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11678. Misbranding of Plough's Prescription C-2223. U. S. v. 19 Bottles, et al., of Plough's Prescription C-2223. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17371. I. S. Nos. 5305-v, 5306-v. S. Nos. C-3945, C-3946.)

On March 17, 1923, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 19 bottles, 75-cent size, and 3 bottles, \$1 size, of Plough's Prescription C-2223 at Atchison, Kans., alleging that the article had been shipped by the Plough Chemical Co., from Memphis, Tenn., in part on or about March 3 and in part on or about November 18, 1922, and transported from the State of Tennessee into the State of Kansas, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product consisted essentially of potassium iodid, extracts of plant drugs including colchicum, a trace of salicylic acid, anise flavor, glycerin, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing in the labeling of the said article, regarding its curative and therapeutic effect, to wit, (bottle, 75-cent size) "For the Treatment of Rheumatism and Blood Disorders * * *. In severe cases take * * * until relieved," (circular, 75-cent size) "Recommended for Treatment of Rheumatism * * * Lumbago, Lamé Back, Uric and Lactic Acid Conditions. Blood Disorders Eczema, Chronic Sores and Similar Diseases Caused by Bad Blood. * * * A Treatment for Conditions Caused by Impure Blood * * * skin eruptions, swelling of the glands and joints, falling hair and sores on different parts of the body, limbs, and face. * * * You can alleviate these troubles caused by bad blood by taking Prescription C-2223, a blood purifier of merit. The * * * ingredients * * * sweep out the impurities and purify the blood * * * A Treatment for Uric, Lactic or Other Acid Conditions of the Blood * * * sciatica * * * Prescription C-2223 drives the poisons from the body by purifying the blood and eliminating the impurities," (bottle, \$1 size) "A Blood Purifier Recommended For Treatment Of Rheumatism * * *. In severe cases, take * * * until relieved," (circular, \$1 size) "A Reliable Blood Purifier A Treatment for Rheumatism * * * Sciatica, Lumbago, Lamé Back. Blood Disorders Eczema, Chronic Sores and Similar Diseases Caused by Bad Blood. * * * In the treatment of Scrofula, Rheumatism, certain Catarrhal Conditions, Hereditary Blood Taints, Diseases of the Bones, Ulcerous Sores, Prescription C-2223 has been recommended and used for many years. Helpless, unhappy persons who had given up all hope of relief, have found in this Blood Purifier a means of relief.

Men, women and even children, whose energy has been sapped and their life almost wrecked, who were troubled with festering sores or tortured with rheumatic pains, have been relieved from the grip of these diseases, after the continued use of or treatment with Prescription C-2223. * * * for any trouble due to poisoned or tainted blood, get you a bottle of Prescription C-2223. * * * 'In * * * conditions due to tainted blood, it acts as a specific.' * * * 'the most valuable remedy known in the treatment of rheumatism; it eases the pain, diminishes the fever—results are almost certain in acute * * * cases.' * * * Prescription C-2223 has relieved * * * many thousands, suffering from Rheumatism, * * * Lumbago, Sciatica, diseases due to tainted or impure blood, evidenced by chronic Sores, Scrofula, Eczema and other similar conditions of the skin," (carton, 75-cent and \$1 sizes) "Rheumatism * * * Sciatica, Lumbago, Lame Back, Uric and Lactic Acid Conditions Blood Disorders Eczema, Chronic Sores and similar affections arising from bad blood," were false and fraudulent in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that the article was composed of or contained ingredients or medicinal agents capable of producing the therapeutic effects claimed, when, in truth and in fact, it contained no ingredients or combination of ingredients capable of producing such effects.

On June 18, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11679. Adulteration and misbranding of canned oysters. U. S. v. 471 Cases and 602 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17433. I. S. Nos. 5310-v, 5311-v. S. No. C-2950.)

On March 31, 1923, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 471 cases, containing 10-ounce cans, and 602 cases, containing 5-ounce cans, of oysters at Atchison, Kans., alleging that the article had been shipped by the Shelmore Oyster Products Co., from Charleston, S. C., on or about January 20, 1923, and transported from the State of South Carolina into the State of Kansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Crown Brand * * * Oysters All Goods Under Crown Brand Are Fully Guaranteed Contents 10 Ozs." (or "Contents 5 Ozs.").

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed with the said article so as to injure, lower, and affect its quality, purity, and strength.

Misbranding was alleged for the reason that the statements, "Contents 10 Ozs." and "Contents 5 Ozs.," appearing on the respective-sized cans containing the article, were false and misleading. Misbranding was alleged for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 27, 1923, the Dolan Mercantile Co., Atchison, Kans., having appeared as claimant for the property and consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be rebranded to show the true contents of the said cans.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11680. Misbranding of Wesson oil. U. S. v. Southern Cotton Oil Co., a Corporation. Tried to the court and a jury. Verdict for the Government. Motion for new trial and in arrest of judgment overruled. Fine, \$600 and costs. (F. & D. No. 10764. I. S. Nos. 7059-r, 7061-r, 8809-r.)

On December 31, 1919, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Southern Cotton Oil Co., trading at Chicago, Ill., alleging shipment by